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International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Report of the Secretary-General

Summary

The present report has been prepared in response to General Assembly resolution 58/135 of 22 December 2003. It contains a summary of responses received from Member States in connection with the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. It also highlights the activities of the United Nations Office on Drugs and Crime in promoting the ratification and implementation of the Convention and Protocols, as well as the outcome of the first session of the Conference of the Parties to the Convention.

* A/59/150.

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I. Introduction

1. By its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the Convention. By its resolution 55/255 of 31 May 2001, the Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention.

2. In his report of 4 July 2003 on promoting the ratification of the Convention and the Protocols thereto (A/58/165), the Secretary-General emphasized that the intensification of pre-ratification activities had led to the entry into force of the Organized Crime Convention on 29 September 2003. He recognized the strong support from Member States to the United Nations Office on Drugs and Crime in its work to promote ratification and implementation of the Convention and its Protocols and reiterated the need for States' continuing support for the provision of technical assistance to developing countries and countries with economies in transition to enable them to meet their obligations under the instruments and to take strong and effective measures to prevent and combat transnational organized crime.

3. In its resolution 58/135 of 22 December 2003, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the General Assembly welcomed the entry into force of the Convention; noted the number of signatures and ratifications of the three Protocols, which was likely to lead to the expected entry into force at an early date of the Trafficking in Persons Protocol and the Migrants Protocol; and requested the Secretary-General to report to it at its fifty-ninth session on the implementation of the resolution. The present report is submitted pursuant to that request.

II. International cooperation in the fight against transnational organized crime

A. Measures adopted by Member States

4. Croatia, Lithuania and Turkey indicated that they had ratified the Organized Crime Convention, the Trafficking in Persons Protocol and the Migrants Protocol and mentioned their efforts to ratify the Firearms Protocol. Mauritius reported its ratification of the Convention.

5. Australia, El Salvador and Germany reported their vigorous work for the ratification of the Convention.

6. Turkey and Mexico reported their voluntary financial contributions to the United Nations Office on Drugs and Crime. Finland reported its financial and other support for the European Institute for Crime Prevention and Control, affiliated with the United Nations, in its activities facilitating the implementation of the

Convention and the Protocols thereto, as well as other regional cooperation it had provided for the fight against transnational organized crime.

7. Costa Rica and Lebanon reported on their efforts and progress in the fight against organized crime, including, in the case of Costa Rica, the creation of a new organization specialized in the fight against organized crime.

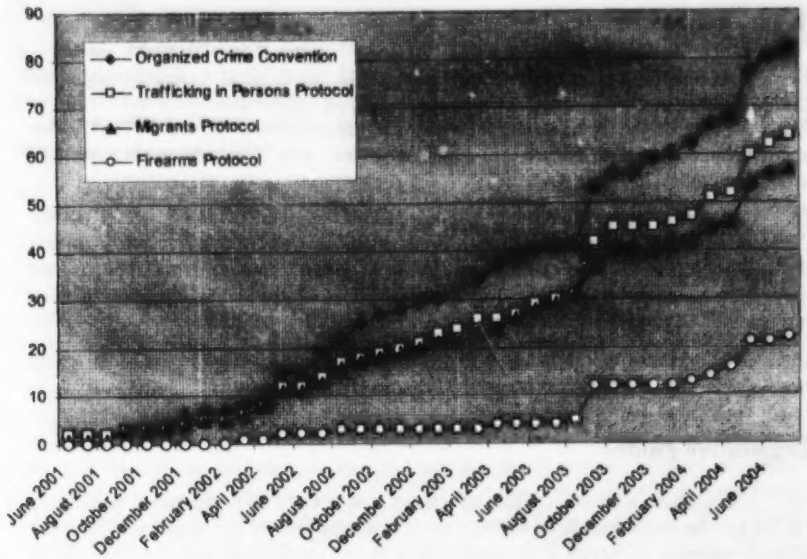
B. Information provided by relevant entities

8. The Division for the Advancement of Women and the International Centre for Migration Policy Development of the Secretariat provided information about activities related to the implementation of resolution 58/135. The main activities of both entities were related to the Trafficking in Persons Protocol and the Migrants Protocol. The Division for the Advancement of Women indicated that it was preparing a guide to help policy makers and practitioners in using international instruments, including the Trafficking in Persons Protocol, in their efforts to combat trafficking in human beings. The International Centre for Migration Policy Development offered support to States in facilitating measures against illegal migration, the development of training programme for law enforcement agencies and judges to counter trafficking in human beings. It reported on its initiative to provide forums in which States could discuss policies and facilitate regional coordination and cooperation, including the Budapest Process, which was a consultative forum of more than 40 Governments and 10 international organizations that addressed irregular migration and sustainable systems for orderly migration in the wider European region.

III. Promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

9. The Organized Crime Convention entered into force on 29 September 2003. With the impetus created by the treaty event organized in New York in September 2003, the Trafficking in Persons Protocol and the Migrants Protocol also entered into force on 25 December 2003 and 28 January 2004, respectively. In addition, the number of ratifications of the Firearms Protocol doubled on the occasion of the treaty event. During 2003, a total of 30 States ratified the Convention, 24 States ratified the Trafficking in Persons Protocol, 20 States ratified the Migrants Protocol and 9 States ratified the Firearms Protocol. At the time of writing the present report, there were 82 parties to the Convention, 64 States parties to the Trafficking in Persons Protocol, 57 States parties to the Migrants Protocol and 22 States parties to the Firearms Protocol (see the figure below). An updated list of ratifications and accessions is provided in the annex to the present report.

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 9 July 2004



10. The Organized Crime Convention and its Protocols are the first instruments of global application in their field. The entry into force of the Convention and the Trafficking in Persons Protocol and Migrants Protocol will enable States parties to employ those instruments as a basis for international cooperation in fighting transnational organized crime more effectively. The United Nations Office on Drugs and Crime continues to carry out promotion activities aimed at maximizing the number of States parties at the first session of the Conference of the Parties to the Convention, as a short-term objective, and at achieving the universal ratification of and full compliance with the instruments as a long-term goal. The relevant activities have been supported through voluntary contributions to a special account established pursuant to the Convention and operated under the United Nations Crime Prevention and Criminal Justice Fund. The promotion activities will continue to encourage and support specific steps towards ratification of the Convention and its Protocols and will continue to be composed of the following three components: (a) in-depth analysis of existing legislation and relevant institutions; (b) provision of assistance to drafters of legislation and national parliaments in updating and/or adopting legislation and regulations required for compliance with and implementation of the Convention and its Protocols; and (c) assistance to Governments in the establishment and/or reinforcement of international cooperation mechanisms. That approach was followed prior to the entry into force of the instruments. It has proved to be valuable and successful and continues to be relevant to the requirements of those States which have not yet ratified the instruments. The

related activities of the United Nations Office on Drugs and Crime are described briefly below.

A. Treaty event

11. In its resolution 57/173 of 18 December 2002, the General Assembly requested the Secretary-General to organize a treaty event, in cooperation with the Office of Legal Affairs of the Secretariat, in 2003. The treaty event, "Focus 2003: treaties against transnational organized crime and terrorism", was held in New York from 23 to 26 September 2003.

12. The treaty event generated a considerable number of ratifications of the Convention and Protocols: 10 States ratified or acceded to the Convention, 8 ratified the Trafficking in Persons Protocol and 5 the Migrants Protocol, which contributed to the subsequent entry into force of those two Protocols. The number of ratifications of the Firearms Protocol also doubled during the event.

13. The Convention and its three Protocols were also included in the 2004 treaty event devoted to "Treaties on the protection of civilians".

B. Legislative guides

14. The United Nations Office on Drugs and Crime has produced legislative guides for the implementation of the Convention and each of the three Protocols, the primary purpose of which is to assist States in the ratification and implementation process by identifying legislative requirements, issues arising from those requirements and options available to States in developing and drafting the necessary legislation, with samples of legislative provisions and measures adopted by various States. The guides do not engage in interpretation of the instruments. They are geared towards providing advice to States in legislative matters and do not constitute model legislation.

15. The guides have been developed through a fully participatory process with the active involvement of three groups of experts from all regions, one group for the legislative guide for the implementation of the Convention, one for the legislative guides for the Trafficking in Persons Protocol and the Migrants Protocol and one for the legislative guide for the Firearms Protocol. The legislative guides were finalized at a meeting hosted by the Government of Monaco on 5 and 6 September 2003, which provided an opportunity for the three groups of experts, which had worked independently until then, to share their products, as well as to discuss cross-cutting issues and consistency between the legislative guides.

16. The United Nations Office on Drugs and Crime has sought the best way of achieving maximum impact from the legislative guides at the lowest possible cost, while ensuring their widest possible dissemination. The legislative guides will therefore be distributed primarily on CD-ROM and made accessible on the web site of the Office, while a limited number of hard copies will also be produced. The legislative guides were made available to the Conference of the Parties at its first session.

C. Interregional, regional and subregional meetings

17. During the period under review, the United Nations Office on Drugs and Crime continued to organize as well as participate in regional and subregional meetings, which provided important opportunities for States to review progress in the ratification process and to exchange views and experience. Recommendations or declarations resulting from the seminars urged States that had not yet done so to undertake all necessary efforts to ensure ratification of the Convention and its Protocols. More specifically:

(a) The Regional Ministerial Conference of French-Speaking Countries of Africa for the Promotion of Ratification of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto was held in Cairo from 2 to 4 September 2003. The United Nations Office on Drugs and Crime, the Intergovernmental Agency of la Francophonie and the Government of Egypt organized the Conference jointly. The Conference was attended by ministers and other high-level officials from Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, Niger, the Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal and Togo. Participants exchanged views and experience on the requirements for ratification of the Convention and its Protocols and outlined the action that had already been taken in order to bring their legal systems into line with the provisions of the instruments. They also reviewed the specific needs of the African region in that regard. Participants proposed the establishment of a support mechanism for the implementation by States of the instruments, as well as the development of a practical manual for the use of judges, investigators and other officials in full implementation. The Conference adopted the Cairo Declaration (A/C.3/58/4, annex), in which it recommended that the French-speaking States of Africa that were not yet party to the Convention and its Protocols ratify or accede to them as soon as possible;

(b) A regional seminar for countries of the Southern African Development Community was organized by the Institute for Security Studies and the United Nations Office on Drugs and Crime in Mauritius from 23 to 25 September 2003. Approximately 50 experts attended the seminar, from Angola, Botswana, Malawi, Mauritius, Mozambique, Lesotho, Namibia, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, as well as representatives of the Legal Department of the African Union and the United States of America Department of Justice. Presentations on key characteristics of organized crime and the strategic framework of the United Nations Office on Drugs and Crime in the region were followed by individual country reports with regard to the ratification and implementation of the Convention and its Protocols. The seminar provided further insights into the Convention and Protocols, as well as opportunities for participants to share best practices in the region;

(c) A subregional seminar for the ratification and implementation of the universal instruments against terrorism and the Organized Crime Convention and its Protocols was organized by the United Nations Office on Drugs and Crime in close cooperation with the Government of Mali in Bamako from 25 to 28 November 2003. Representatives of the following countries attended the seminar: Benin,

Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone and Togo. The seminar concluded with a series of specific recommendations such as: (i) the need to take the above-mentioned instruments as a legal basis for extradition and mutual legal assistance; (ii) the lifting of bank secrecy for effective international cooperation; (iii) the obligation to prosecute in cases of refusal to extradite; (iv) the impossibility of invoking reasons of a political nature as a basis for denying extradition; and (v) the insertion of the status of ratification of each country in the agenda of the meetings of the subregional and regional organizations;

(d) A workshop on international cooperation on counter-terrorism and the fight against transnational organized crime was organized by the Government of the Sudan and the United Nations Office on Drugs and Crime in Khartoum from 17 to 19 January 2004. The workshop was attended by experts from Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, as well as by observers from Algeria and Egypt. The following organizations and institutions also participated in the workshop: the African Union, the Commonwealth Secretariat, the Council of Arab Ministers of the interior, the Counter-Terrorism Committee of the Security Council, the European Union, the Intergovernmental Authority on Development, the International Criminal Police Organization (Interpol), the International Monetary Fund, the Institute for Security Studies, the League of Arab States, the Naif Arab University for Security Sciences, the Organization of the Islamic Conference, the African Institute for the Prevention of Crime and the Treatment of Offenders and the Office of the United Nations High Commissioner for Human Rights. Participants adopted the Khartoum Declaration on Terrorism and Transnational Organized Crime, in which member States of the Intergovernmental Authority on Development reaffirmed their commitment to the fight against terrorism and transnational organized crime and expressed their serious concern about the menace those problems posed in the region. Among other issues, the Declaration focused on the technical assistance needs of member States of the Authority with regard to the ratification and implementation of the Organized Crime Convention and its Protocols. Representatives of six member States were planning to request technical assistance concerning legislative implementation of the instruments from the United Nations Office on Drugs and Crime and other international, regional and subregional organizations in the course of 2004;

(e) A regional workshop for Central Asia and the Caucasus on international cooperation against terrorism and transnational organized crime was held in close cooperation between the Government of Turkey and the United Nations Office on Drugs and Crime in Antalya, Turkey, from 23 to 25 February 2004. At the workshop, 60 experts on counter-terrorism and transnational organized crime from Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan, as well as observers from France, Germany, Ukraine and the United States of America exchanged information about relevant laws their States had enacted in order to fight terrorism and transnational organized crime. The final document focused on the technical assistance needed by the participating States with regard to the ratification and implementation of the Convention and its Protocols;

(f) The United Nations Office on Drugs and Crime organized jointly with the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime an expert group meeting on the drafting of model legislation on extradition. The expert group meeting was held back-to-back with a training workshop on extradition in terrorism cases from 2 to 6 December 2003 in Siracusa, Italy. The two meetings served to improve skills in matters relating to extradition, with a view to strengthening the capabilities of domestic criminal justice systems in dealing with matters related to extradition. The meetings served also as an occasion to finalize the revisions to the manual on the model treaties on extradition and mutual assistance in criminal matters, in line with the amendments to those model instruments made by the General Assembly in its resolutions 52/88 of 12 December 1997 and 53/112 of 9 December 1998, respectively, and taking into account the relevant provisions of the Organized Crime Convention and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex). Both the revised manual and the model legislation, to be used in technical assistance programmes and advisory services that may be requested by Member States, will be instrumental to the development of a study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements, as well as of a guide containing elements that would be useful to States parties to the Organized Crime Convention in meeting their reporting requirements to the Conference of the Parties. The development of the tools, in accordance with paragraph 7 of Assembly resolution 58/135, will be carried out in due time, subject to availability of regular or extrabudgetary funds.

18. Staff of the United Nations Office on Drugs and Crime also made presentations to promote ratification of the Convention and its Protocols at meetings organized by or in cooperation with other entities. A presentation on the Convention was made by the Director of the Division for Treaty Affairs at the International Conference on the Organized Crime Convention and its Protocols, organized by the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime, in cooperation with the Council of Arab Ministers of Justice and of the Interior of the League of Arab States, in Siracusa, Italy, from 15 to 19 September 2003. On 9 and 10 March 2004, the Office contributed to the Arab seminar on the Convention and its Protocols organized by the Council of Arab Ministers of the Interior and the International Institute of Higher Studies in Criminal Sciences in Tunis. Staff also participated in the Conference on Development of Arab Public Prosecution Offices: Perspectives and Challenges, organized by the United Nations Development Programme (UNDP), in cooperation with the Government of Morocco and the United Nations Foundation in Marrakesh, Morocco, on 12 and 13 March 2004. The Conference recommended that UNDP continue to provide assistance to several Arab States in modernizing and developing their public prosecution offices in cooperation and coordination with relevant agencies, in particular the United Nations Office on Drugs and Crime. UNDP was also requested to prepare a technical assistance plan for implementation in the Arab region. On 6 April 2004, the Director of the Division for Treaty Affairs made a presentation on the Firearms Protocol at the thirteenth meeting of the Geneva Process on small arms and light weapons with special focus on the Firearms Protocol.

19. The United Nations Office on Drugs and Crime participated in the World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and

Ministers of Justice, held in Antigua, Guatemala, in February 2004, and attended by representatives of approximately 70 countries.

20. The United Nations Office on Drugs and Crime availed itself of the opportunity created by the holding between March and April 2004 of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, for Africa (see A/CONF.203/RPM.3/1 and Corr.1), West Asia (see A/CONF.203/RPM.4/1), Asia and the Pacific (see A/CONF.203/RPM.1/1) and Latin America and the Caribbean (see A/CONF.203/RPM.2/1), respectively, to conduct a two-day seminar on both the Organized Crime Convention and its Protocols and the Convention against Corruption.

D. Legal assistance and advisory services

21. The United Nations Office on Drugs and Crime provided technical assistance to a number of States, at their request, during the period under review, although responses were limited in some cases by the availability of personnel or resources. Since July 2003, assistance on legislative and other issues relating to ratification has been provided to the Czech Republic (15-17 July), Chile (6-8 August), Bolivia (11-13 August), Venezuela (20 and 21 October), Ecuador (22-24 October) and Colombia (15-21 November 2003). In 2004, two training seminars on trafficking in human beings were held in Viet Nam (19-23 and 26-29 April).

22. In order to use limited financial and human resources as efficiently as possible, a number of workshops held in 2003 and 2004 dealt with the ratification and legislative incorporation of the universal instruments against both terrorism and transnational organized crime. Such assistance was provided in 2003 to Jordan (7-9 July), Croatia (22 and 23 September) and Hungary (1 and 2 October) and in 2004 to the Central African Republic (9-11 February), the United Arab Emirates (29 February-4 March), Guinea (2-7 May), Brazil (31 May-4 June) and the Congo (6-9 July). From 3 to 7 November 2003, a pilot study tour was also organized by the United Nations Office on Drugs and Crime and the Government of Portugal for Portuguese-speaking countries on the ratification and implementation of the Convention and its Protocols, with some 30 participants from eight States and territories, namely, Angola, Brazil, Cape Verde, Guinea-Bissau, Macao Special Administrative Region of China, Mozambique, Sao Tome and Principe and Timor-Leste.

23. Along with the ongoing assistance with its focus on legislative and related issues, the Office has begun to respond to requests concerned with capacity-building in fighting organized crime and related issues of drug trafficking. Accordingly, the Office is shifting the focus of its work from awareness-raising and training seminars to initiatives that strengthen the capacity of field offices and provide a longer-term impact. Such initiatives include the placement in the field of intermediate- and long-term advisers to provide specialized assistance in the creation of specialized units and the establishment of integrity mechanisms for judicial and law enforcement officials. More detailed information on these technical cooperation activities is contained in the report of the Secretary-General on strengthening the United Nations

Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (A/59/205).

24. The Office has received and is in various stages of responding to additional requests from several States, including Armenia, Azerbaijan, Bosnia and Herzegovina, the Congo, Georgia, Kenya, the Gambia, Guatemala, Guinea, Guinea-Bissau, Mongolia, Namibia, Nauru, Rwanda, Thailand, Timor-Leste and Uruguay.

IV. Preparation of the rules of procedure for the Conference of the Parties

25. Pursuant to article 32, paragraph 2, of the United Nations Convention against Transnational Organized Crime, the Conference of the Parties to the Convention should adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of that article. In its resolution 55/25, the General Assembly decided that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime would complete its tasks arising from the elaboration of the Convention by holding a meeting well before the convening of the first session of the Conference of the Parties, in order to prepare the draft text of the rules of procedure for the Conference and other rules and mechanisms described in article 32 of the Convention, which would be communicated to the Conference of the Parties at its first session for consideration and action.

26. Accordingly the Ad Hoc Committee convened and held its thirteenth and final session in Vienna from 2 to 6 February 2004. It based its work on draft rules of procedure prepared by the Secretariat and on proposals and contributions submitted by Governments.

27. The Ad Hoc Committee approved the draft rules of procedure (CTOC/COP/2004/3-A/AC.254/43) and decided to submit them to the Conference of the Parties to the Convention for its consideration and action at its first session, in accordance with resolution 55/25. The Ad Hoc Committee thus paved the way for the effective functioning of the Conference of the Parties, providing a concise, comprehensive and functional procedural framework for the implementation mechanisms of the Convention and its Protocols.

V. Commission on Crime Prevention and Criminal Justice

28. At its thirteenth session, held in Vienna from 11 to 20 May 2004, the Commission on Crime Prevention and Criminal Justice reviewed the steps undertaken by the international community in its efforts to strengthen international cooperation in combating transnational organized crime. In particular, the Commission welcomed the entry into force of the Organized Crime Convention and its first two Protocols as a major achievement in the fight against transnational organized crime and called for the prompt entry into force of the Firearms Protocol and reiterated its appeal to Member States that had not done so to ratify or accede to the Convention and the Protocols. In that connection, several speakers informed the Commission of progress made towards ratification of the instruments, mentioning the complexities of their internal ratification procedures.

29. Appreciation was expressed for the work of the Office in promoting ratification and implementation of the Convention and its Protocols. It was stressed that the ratification of those instruments, in particular the Firearms Protocol, should remain the highest priority of the Secretariat. Given the significance of effective implementation of the Convention and the two Protocols that were already in force, the role of the Conference of the Parties to the Convention in promoting and reviewing implementation was underscored, including particular efforts to be made to ensure the participation of least developed countries in the deliberations of the Conference. The wish was also expressed that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice should provide an opportunity to discuss issues relevant to the implementation of the Convention and its Protocols, as well as to raise awareness about their critical importance for more effective international cooperation.

30. At the conclusion of its discussion, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto".[1]

VI. Conference of the Parties

31. Pursuant to article 32 of the United Nations Convention against Transnational Organized Crime, a Conference of the Parties to the Convention was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention.

32. The Conference of the Parties held its first session in Vienna from 28 June to 8 July 2004, with the participation of 57 States parties, 42 signatories and 4 non-signatory States.

33. The Conference of the Parties discussed the desirability and feasibility of establishing a multi-year programme of work on the basis of a note prepared by the Secretariat and a proposal submitted by Australia and New Zealand. The Conference endorsed a work plan for its second session in the following three thematic fields: (a) the basic adaptation of national legislation in accordance with the Convention and its Protocols; (b) criminalization legislation and difficulties encountered in implementation of the instruments; and (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Convention and its Protocols.

34. Taking into account the specific objectives of the two Protocols already in force, the Conference developed further work plans for its second session in order to better organize discussion on the implementation of those Protocols. As regards the Trafficking in Persons Protocol, the work will be: (a) the basic adaptation of national legislation in accordance with the Protocol; (b) criminalization legislation and difficulties encountered in implementation of the Protocol; (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Protocol; and (d) protection of victims and preventive measures, including awareness-raising. As regards the Migrants Protocol, the work plan will

include the following: (a) the basic adaptation of national legislation in accordance with the Protocol; (b) criminalization legislation and difficulties encountered in implementation of the Protocol; (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Protocol; and (d) implementation of articles 15 and 16 of the Protocol.

35. In order to identify the needs and concerns of States in ratifying and implementing the Convention and its Protocols and with a view to collecting information from States parties and signatories to the Convention and the two Protocols already in force, the Secretariat prepared draft questionnaires on the implementation of the instruments in line with the work plans outlined above. The Conference reviewed the questionnaires and endorsed them as amended. Analytical reports based on the responses to the questionnaires will be prepared by the Secretariat and submitted to the Conference of the Parties at its second session.

36. The Conference requested the Secretariat to submit a report to it at its second session containing the full text of notifications, declarations and reservations made by States parties in connection with the Convention and the Protocols.

37. The Conference also decided to request the Secretariat to prepare a working paper for submission and further consideration at its second session that would provide information on technical assistance provided by the Secretariat, as well as on readily available information on technical assistance provided by other relevant international and regional organizations. The paper would also describe the methodology applied by the Secretariat in providing technical assistance and would further incorporate information on relevant action taken by bodies similar to the Conference of the Parties, as well as on methods used and experience gained by such bodies regarding the financing of their technical cooperation activities.

VII. Towards a United Nations system-wide response to organized crime

38. At its spring 2004 session, held in Vienna on 2 and 3 April, the United Nations System Chief Executives Board for Coordination addressed the issue of curbing transnational organized crime, one of the themes highlighted in the Secretary-General's road map on the implementation of the United Nations Millennium Declaration (General Assembly resolution 55/2). The Board reviewed the impact of transnational organized crime in the three critical areas covered by the Millennium Declaration—peace and security; development; and human rights, democracy and good governance—and identified a number of actions that would form part of strategic system-wide response to organized crime. The system-wide response would build on the work and expertise of the relevant agencies and on recent progress in achieving a global consensus on curbing organized crime and corruption (see E/2004/67, paras. 18-23).

39. The Board agreed on a series of measures for immediate implementation as well as a number of broader interventions to be undertaken in the short and medium term by the concerned United Nations organizations, in accordance with their respective mandates, to build an effective inter-agency response to curbing transnational organized crime. The United Nations Office on Drugs and Crime, as the lead body for follow-up to the decisions of the Board, is responsible both for

coordinating the gathering of information on the nature and impact of organized criminal activity in various sectors of concern to the United Nations and the identification of various initiatives under way across the system to counter the problem. Clusters of interested organizations have also been established to ensure timely action for the effective implementation of the measures identified by the Board. A full report on progress made will be provided to the Board at its spring 2005 session.

VIII. Conclusions and recommendations

40. The first session of the Conference of the Parties demonstrated the significant potential of that body to ensure the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols. With the development of a structured work plan, the Conference opted for a knowledge-based approach that is likely to permit it to review the implementation of the Convention and its Protocols in the requested detail and depth. That approach is also likely to provide the Conference with a clear understanding of the difficulties encountered by States parties in the implementation of the instruments. In turn, that understanding will enable the Conference to address the crucial issue of technical assistance in a comprehensive manner, ensuring the impact of such assistance on implementation.

41. International cooperation is as crucial as ever in the fight against organized crime in all its manifestations. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice will provide opportunities to discuss these and other relevant issues, while review of the implementation of the Convention and its Protocols will be carried out by the Conference of the Parties. The success of the Conference will depend on the continued and undiminished support of States and their active involvement in its work. It will also depend on their continued commitment to invest in further strengthening existing mechanisms of international cooperation by providing technical assistance to developing countries and countries with economies in transition. In that way, the main focus would be the improvement of the capacity of their respective law enforcement and criminal justice authorities to deal more effectively with the new forms and dimensions of transnational organized crime, as well as fostering concerted action.

42. The continuing and growing support of States will also be crucial to permit the secretariat of the Conference of the Parties to provide the substantive services required by that body. The first session of the Conference underlined the need for a broad range of specialized analytical support that will be required by the Conference, as well as the need for technical assistance. The demand for such services is expected to increase as the Conference enters the phase of going into more detail in reviewing those provisions of the Convention and the Protocols which have a higher degree of complexity. The high level of specialized services and technical expertise to be provided is likely to require a commensurate strengthening of the resources at the disposal of the Secretariat.

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 10* (E/2004/30), chap. I, sect. A, draft resolution VII.

Annex

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 20 July 2004

A. Summary of signatures and ratifications

International instrument	*Signatures*	*Ratifications*
United Nations Convention against Transnational Organized Crime	147	82
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	117	64
Protocol against the Smuggling of Migrants by Land, Sea and Air	112	57
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	52	22

B. Ratifications by region

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Africa				
Algeria	7 Oct. 2002	9 March 2004	9 March 2004	
Botswana	29 Aug. 2002	29 Aug. 2002	29 Aug. 2002	
Burkina Faso	15 May 2002	15 May 2002	15 May 2002	15 May 2002
Cape Verde	15 July 2004	15 July 2004	15 July 2004	15 July 2004
Comoros	25 Sept. 2003[a]			
Egypt	5 March 2004	5 March 2004		
Equatorial Guinea	7 Feb. 2003	7 Feb. 2003		
Gambia	5 May 2003	5 May 2003	5 May 2003	
Kenya	16 June 2004[a]			
Lesotho	24 Sept. 2003	24 Sept. 2003		24 Sept. 2003[a]
Libyan Arab Jamahiriya	18 June 2004			
Mali	12 April 2002	12 April 2002	12 April 2002	3 May 2002
Mauritius	21 April 2003	24 Sept. 2003[a]	24 Sept. 2003[a]	24 Sept. 2003[a]
Morocco	19 Sept. 2002			
Namibia	16 Aug. 2002	16 Aug. 2002	16 Aug. 2002	
Nigeria	28 June 2001	28 June 2001	27 Sept. 2001	
Rwanda	26 Sept. 2003	26 Sept. 2003		
Senegal	27 Oct. 2003	27 Oct. 2003	27 Oct. 2003	
Seychelles	22 April 2003	22 June 2004	22 June 2004	
South Africa	20 Feb. 2004	20 Feb. 2004	20 Feb. 2004	20 Feb. 2004

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Togo	2 July 2004			
Tunisia	19 June 2003	19 June 2003	19 June 2003	
Regional total	**22**	**17**	**13**	**6**
Asia and the Pacific				
Afghanistan	24 Sept. 2003			
Bahrain	7 June 2004[a]	7 June 2004[a]	7 June 2004[a]	
China	23 Sept. 2003			
Cook Islands	4 March 2004[a]			
Kyrgyzstan	2 Oct. 2003	2 Oct. 2003	2 Oct. 2003	
Lao People's Democratic Republic	26 Sept. 2003[a]	26 Sept. 2003[a]	26 Sept. 2003[a]	26 Sept. 2003[a]
Micronesia (Federated States of)	24 May 2004[a]			
Myanmar	30 March 2004[a]	30 March 2004[a]	30 March 2004[a]	
Philippines	28 May 2002	28 May 2002	28 May 2002	
Tajikistan	8 July 2002	8 July 2002[a]	8 July 2002[a]	
Uzbekistan	9 Dec. 2003			
Regional total	**11**	**6**	**6**	**1**
Eastern Europe				
Albania	21 Aug. 2002	21 Aug. 2002	21 Aug. 2002	
Armenia	1 July 2003	1 July 2003	1 July 2003	
Azerbaijan	30 Oct. 2003	30 Oct. 2003	30 Oct. 2003	
Belarus	25 June 2003	25 June 2003	25 June 2003	
Bosnia and Herzegovina	24 April 2002	24 April 2002	24 April 2002	
Bulgaria	5 Dec. 2001	5 Dec. 2001	5 Dec. 2001	6 Aug. 2002
Croatia	24 Jan. 2003	24 Jan. 2003	24 Jan. 2003	
Estonia	10 Feb. 2003	12 May 2004	12 May 2004	12 May 2004
Latvia	7 Dec. 2001	25 May 2004	23 April 2003	
Lithuania	9 May 2002	12 June 2003	12 May 2003	
Poland	12 Nov. 2001	26 Sept. 2003	26 Sept. 2003	
Romania	4 Dec. 2002	4 Dec. 2002	4 Dec. 2002	16 April 2004[a]
Serbia and Montenegro[b]	6 Sept. 2001	6 Sept. 2001	6 Sept. 2001	
Russian Federation	26 May 2004	26 May 2004	26 May 2004	
Slovakia	3 Dec. 2003			
Slovenia	21 May 2004	21 May 2004	21 May 2004	21 May 2004
Ukraine	21 May 2004	21 May 2004	21 May 2004	
Regional total	**17**	**16**	**16**	**4**
Latin America and the Caribbean				
Antigua and Barbuda	24 July 2002			
Argentina	19 Nov. 2002	19 Nov. 2002	19 Nov. 2002	
Belize	26 Sept. 2003[a]	26 Sept. 2003[a]		
Brazil	29 Jan. 2004	29 Jan. 2004	29 Jan. 2004	

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Costa Rica	24 July 2002	9 Sept. 2003	7 Aug. 2003	9 Sept. 2003
Ecuador	17 Sept. 2002	17 Sept. 2002	17 Sept. 2002	
El Salvador	18 March 2004	18 March 2004	18 March 2004	18 March 2004
Grenada	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]
Guatemala	25 Sept. 2003	1 April 2004[a]	1 April 2004[a]	1 April 2004[a]
Honduras	2 Dec. 2003			
Jamaica	29 Sept. 2003	29 Sept. 2003	29 Sept. 2003	29 Sept. 2003
Mexico	4 March 2003	4 March 2003	4 March 2003	10 April 2003
Nicaragua	9 Sept. 2002			
Peru	23 Jan. 2002	23 Jan. 2002	23 Jan. 2002	23 Sept. 2003[a]
Saint Kitts and Nevis	21 May 2004	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]
Venezuela	13 May 2002	13 May 2002		
Regional total	**16**	**13**	**11**	**8**
Western Europe and other States				
Australia	27 May 2004		27 May 2004	
Canada	13 May 2002	13 May 2002	13 May 2002	
Cyprus	22 April 2003	6 Aug. 2003	6 Aug. 2003	6 Aug. 2003
Denmark	30 Sept. 2003	30 Sept. 2003		
Finland	10 Feb. 2004			
France	29 Oct. 2002	29 Oct. 2002	29 Oct. 2002	
Malta	24 Sept. 2003	24 Sept. 2003	24 Sept. 2003	
Monaco	5 June 2001	5 June 2001	5 June 2001	
Netherlands	26 May 2004			
New Zealand	19 July 2002	19 July 2002	19 July 2002	
Norway	23 Sept. 2003	23 Sept. 2003	23 Sept. 2003	23 Sept. 2003
Portugal	10 May 2004	10 May 2004	10 May 2004	
Spain	1 March 2002	1 March 2002	1 March 2002	
Sweden	30 April 2004	1 July 2004		
Turkey	25 March 2003	25 March 2003	25 March 2003	4 May 2004
European Community	21 May 2004			
Regional total	**16**	**12**	**11**	**3**

[a] Accession.

[b] On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.